GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Revenue Department – Sri S.Rama Mohan, Spl.Deputy Tahsildar, DM Office, APSCSCL, Kakinada (on deputation) District. – Disciplinary proceedings under rule – 20 of Andhra Pradesh Civil Services (Classification Control and Appeal) Rules, 1991 – Articles of charge – Issued.

REVENUE (VIGILANCE-I) DEPARTMENT

G.O.Rt.No.734 **Dated: 10.10.2024**

Read:

G.O.Ms.No.136, Revenue (Vig.I) Dept., Dt.17.06.2021

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ORDER:

In pursuance to the orders issued vide G.O read above, it is proposed to hold an enquiry against Sri S.Rama Mohan, Spl.DeputyTahsildar, DM Office, APSCSCL, Kakinada (on deputation)District. in accordance with the procedure laid down in Rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991.

2. The substance of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure- I). A statement of imputations of misconduct / misbehaviour in support of each article of charge is enclosed (Annexure-II). A list of documents by which, and a list of witnesses by whom, the articles of charge proposed to be sustained are also enclosed (Annexures-III)

3. Sri S.Rama Mohan, Spl.DeputyTahsildar, DM Office, APSCSCL, Kakinada (on deputation)District. is directed to submit, within 10 days from the date of receipt of this order, a written statement of his defence.

4. Sri S.Rama Mohan, Spl.DeputyTahsildar, DM Office, APSCSCL, Kakinada (on deputation)District. is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.

5. Sri S.Rama Mohan, Spl.DeputyTahsildar, DM Office, APSCSCL, Kakinada (on deputation)District. further informed that if he does not submit his written statement of defence on or before the date specified in para 3 above, further action will be processed based on the material available.

6. Attention of Sri S.Rama Mohan, Spl.DeputyTahsildar, DM Office, APSCSCL, Kakinada (on deputation)District is invited to Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964, under which no Government Servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to her service under the Government. If any representation is received on her behalf from another person in respect of any matter dealt within these proceedings, it will be presumed that Sri S.Rama Mohan, Spl.DeputyTahsildar, DM Office, APSCSCL, Kakinada (on deputation) District is aware of such a representation and that it has been made at his instance and action will be taken against her for violation of Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

7. The receipt of the Order be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

R P SISODIA
SPECIAL CHIEF SECRETARY TO GOVERNMENT (LANDS, R&S)

To
Sri S.Rama Mohan, Spl.DeputyTahsildar, DM Office, APSCSCL, Kakinada (on deputation)District.
(Through Through CAF&CS Dept., A.P Sectt., Velagapudi, for service and to return the served copy with dated acknowledgement immediately (By RPAD))
The CAF&CS(CS-I) Dept., A.P Sectt., Velagapudi
The VC&MD, A.P State Civil Supplies Corporation Ltd., Vijayawada
The Chief Commissioner of Land Administration, A.P., Mangalagiri
Copy to:
The District Collector, Kakinada District.
The DG, V&E, G.A(V&E) Dept., Pandit Nehru Bus Station, Vijayawada.
SF/SC.

//FORWARDED::BY ORDER//

SECTION OFFICER

ANNEXURE-I

STATEMENT OF ARTCLES OF CHARGES FRAMED AGAINST SRI S. RAMA MOHAN, SPL.DEPUTY TAHSILDAR, DM OFFICE, APSCSCL, KAKINADA (ON DEPUTATION)

ARTICLE OF CHARGE-I:

That Sri S.Rama Mohan, Spl.DeputyTahsildar, DM Office, APSCSCL, Kakinada (on deputation) being a concern seat dealing assistant has acted dishonestly to do favour to the then paddy transport contractor by allowing the payment of Rs.3.50 crores as advance without the approval of Joint Collector before the transport contractor submitted the truck sheets. Therefore, the said individual has violated the clause 16 of the agreement which is undesirable on his part and shall be made punishable against the said misconduct under Regulation 24 (k) r/w 24 (d) of APSCSCL Employees Conduct, Discipline & Appeal Regulations.

ARTICLE OF CHARGE -II:

That Sri S.Rama Mohan, Spl.DeputyTahsildar, DM Office, APSCSCL, Kakinada (on deputation), being a concern seat dealing assistant, has utterly failed in discharging his legitimate duties by acting negligently in ensuring the proper verification of records before making payments to transport contractor against the truck sheets in which non-transport vehicle numbers were posted and the same is not desirable on his part and there by allowed for such a huge misappropriation of public money, and as such the act of the individual amounts to misconduct under Regulation 24 (k) r/w 24 (d) of APSCSCL Employees Conduct, Discipline & Appeal Regulations.

ARTICLE OF CHARGE -III:

That Sri S.Rama Mohan, Spl.DeputyTahsildar, DM Office, APSCSCL, Kakinada (on deputation), being a concern seat dealing assistant has utterly failed in discharging his legitimate duties by showing dereliction in following the provisions incorporated in the agreement especially vide Clause 16 of the agreement regarding the payments made against the time barred truck sheets in order to benefit the then transport contractor and thereby caused huge misappropriation of public money. The act of the individual construes misconduct under Regulation 24 (k) r/w 24 (d) of APSCSCL Employees Conduct, Discipline & Appeal Regulations.

ARTICLE OF CHARGE -IV

That Sri S.Rama Mohan, Spl.DeputyTahsildar, DM Office, APSCSCL, Kakinada (on deputation), has misinterpreted the instructions of VC & MD wrongly and allowed 1556 No. of truck sheets under minor mistakes category even for 2 or 3 digits with a malafide intention by changing the vehicle numbers upto 2 or 3 digits and paid an amount of Rs.72,12,186/-, which is nothing but breach of trust and construes misconduct under Regulation 24 (k) r/w 24 (d) of APSCSCL Employees Conduct, Discipline & Appeal Regulations.

ARTICLE OF CHARGE -V

Sri S.Rama Mohan, Spl.DeputyTahsildar, DM Office, APSCSCL, Kakinada (on deputation), has acted negligently in verifying the actual amount required as Security Deposit while approving the proposal for returning the Rs.5,00,000/- to the transport contractor. Hence, the act of the officer, instead of retaining the amount of Rs.5,00,000/- allowing to be returned the amount to the transport contractor wrongly, is construing misconduct on his part under the Regulation 24 (k) r/w 24 (d) of APSCSCL Employees Conduct, Discipline & Appeal Regulations.

ARTICLE OF CHARGE -VI

That as per the V&E Report, the transport contractor has submitted truck sheets for a quantity of 1,45,822.301 MT as on 12.02.2015. The remaining truck sheets were not submitted by the transport contractor in the O/o DM, Civil Supplies, it was not ascertained on which date the transport contractor has submitted the remaining truck sheets. Sri S.Rama Mohan, Spl.DeputyTahsildar, DM Office, APSCSCL, Kakinada (on deputation), instead of rejecting the claims, he processed the it. The act of the individual is undesirable thereby resulted in huge misappropriation of public money and the same construes misconduct under Regulation 24 (k) r/w 24 (d) of APSCSCL Employees Conduct, Discipline & Appeal Regulations.

(P.T.O)

ARTICLE OF CHARGE -VII:

That, during the V& E inspection, in some of the claims submitted by the transport contractor it was noticed that 3480 trips of the transport vehicles were recorded as more than 3 times in a single day which is practically not possible and For example vehicle No:AP 05 TT 6381 has scored 16 trips on 20.12.2014 which is highly impossible and nothing but fake, even then the officer has allowed the payments to transport contractor. The act of the individual involves moral turpitude in discharging his legitimate duties and construes a misconduct under Regulation 24 (k) r/w 24 (d) of APSCSCL Employees Conduct, Discipline & Appeal Regulations.

** Regulation 24(k): Habitual negligence or neglect of work or gross negligence, malignantly or slowing down of work*

Regulation 24 (d): Theft, fraud, dishonestly in connection with the Corporation'=s business or property.

Note: (shall take the inference from the above regulations about the mis-conduct to the extent only negligence and dishonest behaviour).

The above mentioned acts of Sri S.Rama Mohan, Spl.Deputy Tahsildar, DM Office, APSCSCL, Kakinada (on deputation), show that being a responsible Govt., servant, he has failed to maintain absolute integrity, discipline, impartiality sense of proprietary and he behaved in a manner which is unbecoming of a Public Servant, derogatory to the prestige of Government which constitutes misconduct/misbehaviour of a Government Servant thus violated Rule 3 of AP Civil Services (Conduct) Rules, 1964

R P SISODIA
SPECIAL CHIEF SECRETARY TO GOVERNMENT (LANDS, R&S)

//FORWARDED::BY ORDER//

SECTION OFFICER

ANNEXURE-II

STATEMENT OF IMPUTATIONS OF MISCONDUCT OR MISBEHAVIOUR IN SUPPPORT OF THE ARTICLES OF CHARGE FRAMED AGAINST SRI S. RAMA MOHAN, SPL.DEPUTY TAHSILDAR, DM OFFICE, APSCSCL, KAKINADA (ON DEPUTATION)

The VC & MD, APSCSCL, Vijayawada instructed vide Circular No.154, Dt 08.08.2014 that no advance shall be paid to the transport contractor unless he submits the claims with all relevant documents. But the then DM, APSCSCL had sanctioned an amount of Rs.3.50 Cr. as advance in the following 5 spells even before the transport contractor had submitted the truck sheets for verification. The above individual being a concerned dealing staff/Assistant had processed the file which allowed to make advance payment by violating the existence provisions. The details of advances paid are given below

1.	24.01.2015	50,00,000/-	Advance
2.	06.02.2015	50,00,000/-	Advance
3.	07.02.2015	50,00,000/-	Advance
4	11.02.2015	1,00,00,000/-	Advance
5.	18.02.2015	1,00,00,000/-	Advance
Total		3,50,00,000/-	

In fact, the transport contractor submitted the truck sheets on 09.02.2015 and 12.02.2015 respectively. It is further to state that the then O/o DM has failed to obtain the permission of the Joint Collector for sanction of advance payment Rs.3.5 Cr to the transport contractor. As a responsible dealing assistant he has to put up the file to obtain the permission of the Joint Collector as the transaction involves huge amount.

It is pertinent to note here that as per clause 16 (I to V) of the agreement between APSCSCL and Sri B.Srinivas,

I. The District Manager will make payments due to the contractor on submission of bills in triplicate by the contractor duly certified by the Incharge of PPC supported by proper consignee receipts in originals.
II. The contractor shall prepare bills with proper consignee receipts in full shape, failing which claim will be rejected. The transport bills should be preferred every month within 15 days from the date of completion of movement, failing which the same will be treated as time barred.

Therefore, basing on the above violation the said individual shall be made responsible for allowing the payment of Rs.3.50 crores as advance without the approval of Joint Collector before the transport contractor submitted the truck sheets.

2.The said individual being concerned dealing Assistant shall have ensured that only the genuine transport vehicles are used for transportation of paddy and the claims shall be allowed with such vehicle number but not with non-transport vehicles. In fact, the transport contractor has submitted the truck sheets having certain vehicle numbers and on verification through the transport department Web Site, it was noticed as other than transport vehicles i.e motor cycles, autos, school buses etc., against which payments were made without proper verification. This indicates that the said individual has failed to process the claim properly and therefore he being an a concerned dealing Assistant of the then O/o DM, Kakinada shall be made responsible for allowing the claims with false vehicle numbers which resulted into payments for 62 non-transport vehicles without proper verification.

3.As per clause No.16 (I to V) of the agreement between APSCSCL and Sri B.Srinivas:

I. The District Manager will make payments due to the contractor on submission of bills in triplicate by the contractor duly certified by the Incharge of PPC supported by proper consignee receipts in originals.
II. The contractor shall prepare bills with proper consignee receipts in full shape, failing which claim will be rejected. The transport bills should be preferred every month within 15 days from the date of completion of movement, failing which the same will be treated as time barred.

But the said Dealing Assistant without complying the above provisions has processed the file for making all the payments during his tenure and also the said payments were done

without proper verification of the truck sheets. Therefore, he shall be made responsible for not observing clause No.16 of the agreement regarding time barred truck sheets.

4. The individual being concerned dealing Assistant shall have appraised the facts about the minor mistakes in the vehicle numbers upto 2 or 3 digits in the claims made by the then paddy transport contractor in order to safeguard the corporation money. But instead of doing that it was interpreted by them about the instructions of VC & MD in this regard wrongly and allowed 1556 No. of truck sheets under minor mistakes category even for 2 or 3 digits with a malafide intention by changing the vehicle numbers upto 2 or 3 digits and paid an amount of Rs.72,12,186/- for which he shall be made liable as per the existing rules.

5. Security deposit of Rs.30,00,000/- was obtained from the contractor but returned Rs.5,00,000/- to the transport contractor without verifying the agreement properly stating that it was mentioned Rs.25,00,000/- in numerical and rupees Thirty Lakhs in words. The individual being a concerned dealing Assistant shall have acted consciously by verifying the actual amount required as Security Deposit while approving the proposal for returning the Rs.5,00,000/- to the transport contractor. Hence, the act of the individual, instead of retaining the amount of Rs.5,00,000/- returned the amount to the transport contractor, is construing misconduct on his part for which he shall be held responsible.

6. During the course of inspection by V&E officials, the said dealing Assistant instead of rejecting the claim to the extent for which transport contractor has not submitted the truck sheets, he has processed the claim ignoring the irregularities as a result excess payment was made. As per the V&E Report the transport contractor has submitted truck sheets for a quantity of 1,45,822.301 MT as on 12.02.2015. The remaining truck sheets were not submitted by the transport contractor in the O/o DM, Civil Supplies, it was not ascertained on which date the transport contractor has submitted the remaining truck sheets. The officer, instead of rejecting the claims, processed the claims. He failed to maintain the rule provision on the note file and simply stating that all the payments were made with the approval of the Joint Collector. Therefore, he shall be made responsible for making excess payments to the transport contractor in claiming of bills regarding agency Mandals.

7. During the course of inspection, in respect to the number of trips which are practically possible in a single day, it was noticed that 3480 trips were recorded as more than 3 times in a single day which is practically not possible. Loading and unloading of paddy at farm gate and at rice mill will ordinarily takes 3 to 4 hours and the period of transport is 30 min.By applying this analogy at a maximum 3 trips per a day for a lorry and a maximum of 4 trips a day for a tractor is only possible. But during the verification, it is noticed that 635 truck vehicles have scored more than 3 trips a day. 3480 number of trucks sheets was recorded as more than 3 trips a day. On verification of the truck sheets it is noticed that 635 no of truck sheets were submitted by the transport contractor in this aspect. For example vehicle No:AP 05 TT 6381 has scored 16 trips on 20.12.2014 which is practically not possible.

This indicates the transport contractor has fabricated the truck sheets. The transport contractor has submitted these types of truck sheets for a quantity of 55149 MT, therefore the said dealing assistant has malafidely acted while discharging his duties by allowing 3480 truck sheets which were shown as operated more than 3 trips a day to benefit the then paddy transportation contractor.

Hence, the charge.

R P SISODIA
SPECIAL CHIEF SECRETARY TO GOVERNMENT (LANDS, R&S)

//FORWARDED::BY ORDER//

SECTION OFFICER

ANNEXURE-III

LIST OF DOCUMENTS BY WHICH THE ARTICLES OF CHARGE FRAMED AGAINST SRI S. RAMA MOHAN, SPL.DEPUTY TAHSILDAR, DM OFFICE, APSCSCL, KAKINADA (ON DEPUTATION) ARE POPOSED TO BE SUSTANED.

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-Nil-

R P SISODIA
SPECIAL CHIEF SECRETARY TO GOVERNMENT (LANDS, R&S)

//FORWARDED::BY ORDER//

SECTION OFFICER

ANNEXURE-IV

LIST OF WITNESSES BY WHOM THE ARTICLES OF CHARGES FRAMED AGAINST SRI S.RAMA MOHAN, SPL.DEPUTY TAHSILDAR, DM OFFICE, APSCSCL, KAKINADA (ON DEPUTATION) ARE POPOSED TO BE SUSTANED.

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-Nil-

R P SISODIA
SPECIAL CHIEF SECRETARY TO GOVERNMENT (LANDS, R&S)

//FORWARDED::BY ORDER//

SECTION OFFICER